

McNabb Ruling Frees 5 in 'Plot' to Harbor Sedition Fugitive

By the Associated Press

PITTSBURGH, Feb. 24.—A recent Supreme Court decision holding statements made by defendants prior to arraignment before a United States commissioner are inadmissible as evidence in Federal courts led to dismissal of conspiracy indictments yesterday against five persons, one the daughter of William Dudley Pelley, former Silver Shirt leader.

After United States Attorney Charles F. Uhl moved to drop the charges that the five had conspired to "harbor and conceal a fugitive from justice"—Howard Victory Broenstrupp, who is under indictment in Washington with Pelley and 28 others on sedition charges—Assistant United States Attorney George Mashank explained:

"The case is closed as far as we here are concerned because the evidence became inadmissible by reason of a recent Supreme Court decision.

"That decision, by Justice Felix Frankfurter in the United States vs. McNabb, held that all statements obtained from defendants prior to arraignment before a United States Commissioner are inadmissible."

The McNabb decision was handed down, Mr. Mashank said, after FBI agents here had obtained statements from the five defendants.

The five dismissed here are: Adelaide Marion Pelley, Noblesville, Ind.; Marguerite Marie Carmichael, Indianapolis; Frank W. Mariner, Poland, Ohio; Victor Warren Hoyer,

New Castle, Pa., and Henry Herman Meine, New Galilee, Pa.

FBI agents arrested them in 1942, soon after apprehending Broenstrupp in Meine's Beaver County (Pa.) cottage. They were indicted on a charge of "conspiracy to harbor and conceal a fugitive from justice." This charge was later dropped and they were reindicted on the second conspiracy charge.

Pelley, Broenstrupp and the 28 others under indictment in Washington are accused of conspiring with agents of the German government to set up a Nazi form of government in the United States.